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**UNITED STATES COURT OF APPEALS**  
FOR THE THIRD CIRCUIT  
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Middle-Harrisburg Clerk of District Court Date August 13, 2003  
(District)  
Galloway v. PA Bd Probation C. of A. No. 02-4183  
(Caption)  
Gail J. Galloway  
(Appellant)  
00-cv-00649  
(D.C. No.)

Enclosures:

August 13, 2003 Certified copy of C. of A. Order by the Court  
(Date)  
  
\_\_\_\_\_ Released (Record) (Supplemental Record - First - Second - Third)  
  
\_\_\_\_\_ Copy of this form to acknowledge receipt and return to C. of A.  
  
\_\_\_\_\_ Record not released at this time until appeal(s) closed at No.(s) \_\_\_\_\_  
\_\_\_\_\_  
  
\_\_\_\_\_ Please forward Certified List in Lieu of Record to this office.  
  
\_\_\_\_\_ The certified copy of order issued as the mandate on \_\_\_\_\_  
is recalled.

Receipt Acknowledge:  
  
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Deputy Clerk Telephone Number

BPS-259

July 10, 2003

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 02-4183

GAIL J. GALLOWAY

vs.

PENNSYLVANIA BOARD OF PROBATION AND PAROLE, ET AL.

(M.D. PA. CIV. NO. 00-CV-00649)

Present: BARRY, AMBRO AND ALDISERT, CIRCUIT JUDGES

Submitted are:

- (1) Appellant's motion to re-open;
- (2) Appellant's motion to proceed in forma pauperis; and
- (3) By the Clerk, the within appeal for possible dismissal under 28 U.S.C. § 1915(e)(2)(B)

in the above-captioned case.

Respectfully,

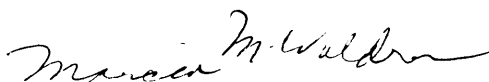
Clerk

MMW/EAW/zm/lml

ORDER

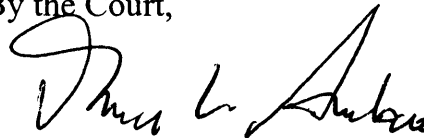
The foregoing motions to re-open the appeal and to proceed in forma pauperis are granted. The appeal will not be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). The Clerk is directed to issue a briefing schedule. In addition to the issues the parties choose to brief, the parties should address whether Appellant's due process challenge to his parole revocation proceeding was properly dismissed under the rule in Heck v. Humphrey, 512 U.S. 477 (1994), given that Appellant had completed his sentence prior to filing this § 1983 action<sup>1</sup>.

A True Copy:



Marcia M. Waldron,  
Clerk

By the Court,



Chief Judge

Dated: **AUG 13 2003**

LMW/cc: Mr. GJG, CRK

<sup>1</sup>Judge Aldisert dissents and would have affirmed Judge Rambo's opinion.